

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

Hearing Time: 9:15 a.m.
Hearing Place: Albany
Hearing Date: March 19, 2015

IN RE:

RUDOLPH O. LAWRENCE

Chapter 13
Case No. 11-13420

Debtor.

**MOTION FOR AN ORDER MODIFYING DEBTOR'S CHAPTER 13 PLAN
PURSUANT TO 11 U.S.C. §1329**

Rudolph O. Lawrence (the "Debtor"), by and through his attorneys, O'Connor, O'Connor, Bresee & First, P.C. (Michael J. O'Connor, Esq.), respectfully represents the following in support of his motion for an order pursuant to 11 U.S.C. §1329 modifying his previously-confirmed Chapter 13 Plan (the "Motion"):

1. The Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the United States Bankruptcy Code on October 31, 2011 (the "Petition").
2. The Debtor's Chapter 13 Plan (the "Plan") was confirmed by Order of this Court dated September 20, 2012.
3. The Plan, as confirmed by this Court, provides for monthly Plan payments in the sum of \$100.00 for a term of 60 months with a dividend to unsecured creditors of not less than 0% or \$220.00 plus all non exempt proceeds from sale or refinance of real property.
4. Debtor is dependent and lives exclusively on fixed income. He receives social security of \$909.00 per month. He receives \$94.00 in pension. Occasionally, one of the Debtor's children helps him out meeting expenses. During the winter months the Debtor has had

unanticipated expenses relating to plumbing issues in the house. It is respectfully requested that the Plan be modified to waive any defaults with the resumption in April.

5. Debtor anticipates that one of his children should be able to help him out making a lump sum payment by the 60th month if necessary to make the Plan feasible.

6. With this Motion, the Debtor seeks an order modifying the Plan to waive any payments that are in default and resume making payments in April 2015. To the extent sums are needed to make the Plan feasible, a lump sum payment shall be paid in the 60th month.

7. The proposed modification shall not affect the monthly Plan payment, the term of the Plan or the dividend paid to unsecured creditors.

WHEREFORE, based upon the foregoing, it is respectfully requested that this Court issue an Order (1) permitting the Debtor to modify the Plan; and (2) granting such other and further relief as this Court deems just and proper.

DATED: February 17, 2015

O'CONNOR, O'CONNOR,
BRESEE & FIRST, PC

By: /s/ Michael J. O'Connor
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